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April 25, 2021

By ECF

The Honorable Kiyo A. Matsumoto  
United States District Court  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, New York 11201

**Re: United States v. Richard Dale Sterritt  
21 Cr. 193 (KAM)**

Dear Judge Matsumoto,

Counsel requests that he be appointed, nunc pro tunc to April 22, 2021, as CJA counsel for the defendant, Richard Dale Sterritt. Counsel also moves for an extension of time to respond to the government's appeal of the Magistrate's Order setting conditions of release.

On Thursday, April 22, 2021, the undersigned counsel was notified by AUSA David Pitluck that he would be assigned to represent Mr. Sterritt, a defendant who presently was incarcerated in Texas. He indicated that he assumed the defendant would have private counsel but that did not materialize and that Mr. Sterritt appears to be eligible for CJA counsel. CJA counsel represented Mr. Sterritt in Texas. I was given the contact information for CJA counsel in Texas, Dan Gividen, who represented him there and the private attorney, who had represented the defendant civilly but the defendant was unable to retain for this matter.

Counsel reviewed the Indictment and contacted the attorneys and interviewed them. I then contacted the Institution where the defendant was being held and set up a ZOOM conference with him for Monday, April 26<sup>th</sup>, at 2:30 P.M. Eastern Standard Time. It is anticipated that counsel will review the CJA Financial Affidavit necessary for counsel's appointment at that time with Mr. Sterritt and be authorized, by him, to sign it on his behalf. Counsel will then submit it to the Court.

On April 24, 2021 counsel was apprised through an email from the government (Counsel was not on the ECF feed) that the Court had issued two Orders on April 23, 2021 at 6:20 & 6:25 PM, respectively : 1) Counsel was to file a Notice of Appearance (that has been done) and 2) that Counsel respond to the government's appeal of the decision which set conditions for release of the defendant by the Federal Magistrate in Texas by noon on April 26<sup>th</sup>.

Counsel requests to Friday, April 30, 2021 to respond, which will give him time to review the 69 page transcript, the extensive Indictment, the 11 page single spaced submission of the government and most importantly to have an opportunity to confer with Mr. Sterritt.

The government consents to an extension of time to respond.

Respectfully,  
s/Gerald J. Di Chiara